

## REMARKS

Claims 1, 2, 4, 7, 9-16 and 20-22 have been allowed.

Claims 7, 15 and 17 have been amended. Claim 17 has been amended to include some allowable subject matter from claim 16, for example.

Claims 1, 2, 4, 6, 7, 9-17 and 20-22 are currently pending and under consideration. Reconsideration is respectfully requested.

The Applicant assumes that the Examiner inadvertently omitted dependent claim 6 in the Office Action. Thus, the Applicant assumes that dependent claim 6 is also in condition for allowance at least based upon its dependency from independent claim 2.

### I. OBJECTIONS TO CLAIMS 7 AND 15:

Claims 7 and 15 have been amended based upon the Examiner's comments at page 2 of the Office Action. Therefore, it is respectfully submitted that the objection is overcome.

### II. REJECTION OF CLAIM 17 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER THE APPLICANTS ADMITTED PRIOR ART (AAPA) IN VIEW OF GILBERT (U.S. PATENT NO. 6,005,847) AND FURTHER IN VIEW OF MCCLURE (U.S. PATENT NO. 5,867,663).

At page 3 of the Office Action, the Examiner admits that the AAPA fails to disclose all of the features of claim 17. However, the Examiner asserts that Gilbert and Mcclure make up for the deficiencies of the AAPA.

The Applicant respectfully submits that none of the foregoing references relied upon, individually or combined, teach or suggest "a received message processing device to determine whether there are any remaining paths which have to be set, and **to instruct the path selecting device to select unconnected paths to be set of any remaining paths in order from a largest bandwidth to a smallest bandwidth among the remaining paths** to provide the service when there is any path which has to be set," as recited in claim 17, for example.

Gilbert merely discusses an apparatus by which a user of a system may configure the system to arbitrate between incoming calls and ongoing data communication in a way that is appropriate to the individual user's priorities (see FIG. 1 and column 1, lines 50-62, for example). The user might assign the highest of the three priority levels to real-time, two-way video

communication, then the next highest priority may be real-time voice communications (i.e., telephone calls and the lowest being any other standard two-channel data communication. In Gilbert, the user determines the priority level for different forms of communication. The teachings of Gilbert are fundamentally different from that of the present invention. That is, Gilbert fails to disclose "a received message processing device determine[s] whether there are any remaining paths which have to be set, and **to instruct the path selecting device to select unconnected paths to be set of any remaining paths in order from a largest bandwidth to a smallest bandwidth among the remaining paths,**" as recited in claim 17, for example.

McClure discloses a communication network connecting to a LAN, a WAN, a telephone access network, a first computer and a second computer and network server and a video server (see FIG. 1 and column 3, lines 55-59, for example). The network is used to transport varying types of ATM services (see column 4, lines 20-28, for example). In McClure, as shown in Fig. 2, input ports are coupled to a switching fabric which is coupled to output ports. Each input port includes at least one queue and a multiplexer (see column 6, lines 13-15). The multiplexer is used to assign bandwidths to each of the queues connected thereto (see column 7, lines 30-37). As pointed out by the Examiner on page 4 of the Office Action, McClure further discloses that there are one or more multiplexers per traffic type, where the multiplexers are assigned, in priority order, bandwidth granted to the traffic type at the output port. Thus, the low priority connections get bandwidth only after the high priority connections do not have any data to transmit (see column 9, lines 44-46). Here, McClure is discussing the assigning of bandwidth to each of the multiplexers in a particular order. McClure fails to disclose "**select[ing] unconnected paths to be set of any remaining paths in order from a largest bandwidth to a smallest bandwidth among the remaining paths,**" as recited in claim 17.

Thus, the combination of the AAPA, Gilbert and McClure fails to establish a prima facie case of obviousness over the present invention. Therefore, it is respectfully submitted that the rejection is overcome.

### III. CONCLUSION:

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject

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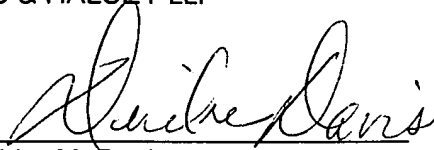
matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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